

Applicant's invention, as defined in amended claim 1, includes, *inter alia*, a thermally conductive pad thermodynamically contacting said heat sink whereby said pad comes into contact with the skin of a user. No such direct contact device is either shown nor suggested by Bell. Bell teaches that a cooling device requires air flow to thermally conduct the heat away from the desired components [see for example Bell 1:65 – 2:6]. The present invention is thermally in contact with the user's skin to conduct the heat or cold away. Air conduction is not only not required, it is undesirable. Bell does not teach nor anticipate the use of a thermally conductive pad that is in direct contact with a user's skin. As the Examiner points out in his discussion of the teaching of Bell, Bell requires rotors to move the air across the cooling surfaces. Therefore, Bell actually teaches away from directly contacting a surface such as skin in order to operate.

As such, it is submitted that claim 1, as amended, is patentable over the art of record. Claim 2 includes all the limitations of claim 1 and further recite limitations which, together with the limitations of claim 1, are neither disclosed or suggested in the art of record. These claims, as amended, are also believed to be in a condition for allowance.

Reconsideration of the rejection of claims 1-2 under 35 U.S.C. § 102 is respectfully requested in light of the amendments and remarks above.

#### REJECTIONS UNDER 35 U.S.C. § 103

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bell (U.S. Patent Number 6,223,539) in view of Travis (U.S. Patent Number 5,046,329). Applicant respectfully traverses this rejection.

Claim 1, as amended, is directed to a personal cooling/heating system that includes, *inter alia*, a thermally conductive pad thermodynamically contacting said heat sink whereby said pad comes into contact with the skin of a user. Neither Bell, nor Travis disclose or suggest a thermally conductive pad that comes directly in contact with a user's skin. Since Travis is also lacking the crucial thermally conductive pad in direct contact with the user's skin, it adds nothing to cure this critical omission from Bell. Accordingly, it is respectfully submitted that independent claim 1 is patentable over the combination of Bell and Travis.

Claim 2 is dependent from claim 1. Accordingly, it is respectfully submitted that this claim is patentable for the same reasons as claim 1 above, as well as because of the combination of the limitations set forth in this claim with the limitations set forth in amended claim 1 from which it depends.

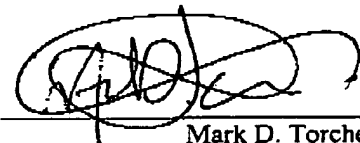
Claims 1 and 2 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marks (U.S. Patent Number 6,357,251) in view of Harrington (U.S. Patent Number 5,623,828) and further in view of Shimogori (U.S. Patent Number 6,192,702) or Cheng (U.S. Patent Number 5,953,933). Applicant respectfully traverses this rejection.

Claim 1, as amended, is directed to a personal cooling/heating system that includes, *inter alia*, a thermally conductive pad thermodynamically contacting said heat sink whereby said pad comes into contact with the skin of a user. Neither Marks, Harrington, Shimogori nor Cheng disclose or suggest a thermally conductive pad that comes directly in contact with a user's skin. Since none of the patents cited provide the necessary teaching towards the crucial thermally conductive pad in direct contact with the user's skin, no combination can be found to render the instant invention unpatentable over the art of record. Accordingly, it is respectfully submitted that independent claim 1 is patentable over the combination of Marks in view of Harrington or further in view of Shimogori or Cheng

Claim 2 is dependent from claim 1. Accordingly, it is respectfully submitted that this claim is patentable for the same reasons as claim 1 above, as well as because of the combination of the limitations set forth in this claim with the limitations set forth in amended claim 1 from which it depends.

In view of the foregoing, this application is now believed to be in condition of allowance, which action is respectfully requested.

Respectfully Submitted,



Mark D. Torche  
Registration Number 45,823  
Patwrite  
10580 NW 6<sup>th</sup> Street  
Pembroke Pines, FL 33026  
Telephone: (954)517-9933

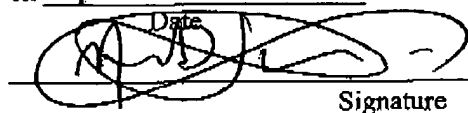
---

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on

10-26-04

  
Signature

Mark D. Torche

Typed or printed name of person signing Certificate

45,823

Registration Number, if applicable

(954) 517-9933

Telephone Number